



Docket: T2316-907194

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Matthew B. Studholme et al.

Serial No.: 09/849,240

Filed: May 7, 2001

For: Process for Preparing Polymeric Fibers Based
On Blends of Two or More Fibers

: Group Art Unit: 3765

: Examiner: Patricia Hightower

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McLean, Virginia
December 18, 2002

#8/Elective
(2-230)

RESPONSE TO RESTRICTION REQUIREMENT

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DEC 23 2002

TC 1700

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

This paper is filed in response to the Official Action dated October 18, 2002.

Applicant elects Claims 1 and 3-10, identified as belonging to "Group I" in the Official Action, for the purposes of initial prosecution. The election is made with traverse.

All claims presented are susceptible of being examined based upon a single examination search. As stated in MPEP §803, "[I]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." (MPEP §803, emphasis added).

The subject matter of the claims of this application (including the composition claims, the process claims, and the end product (fiber or article claims)) appear to be capable of being searched and examined without serious burden to the Examiner. In accordance with MPEP

provision §803, all of the claims must be examined, regardless of the fact that the claims represent separately patentable inventions.

The requirement for an election of species is not understood by Applicant. Numerous claims have been held to be generic, therefore, the requirement to elect a species seems to be out of place. In the event that the requirement to elect a species is determined to be proper, Applicant elects the species set forth in part (c) of the Official Action, wherein the species is directed to the types of thermoplastic polyester to be used in the composition and process. All generic claims and all claims containing this claimed feature are readable on this species. The election is made with traverse..

Reconsideration and withdrawal of the restriction and election of species requirements, and examination of all claims on the merits, are earnestly solicited.

Respectfully,

MILES & STOCKBRIDGE P.C.

By 
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